

MINUTES OF THE REGULAR MEETING OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

FOR JUNE 21, 1006

ROLL CALL

8 present and 4 absent. Commissioners Walker, Bury, Kerns and Mulcahy were excused.

PRAYER

Commissioner Fay led the Commissioners in prayer.

APPROVAL OF THE MINUTES OF THE JUNE 7, 2006 REGULAR MEETING AND THE MAY 31, 2006 SPECIAL MEETING

It was moved by Commissioner O'Leary, seconded by Commissioner Coleman to approve the Minutes of the Regular Meeting of June 7, 2006 and the Special Meeting of May 31, 2006.

ITEMS NOT ADDRESSED ON THE AGENDA

None

PUBLIC COMMENT ON ANY PUBLIC MATTER

None

CHIEF EXECUTIVE'S REPORT

Chief Executive Babb reported that the dedication of the Basin Creek Power project was held today. Also they broke ground at the Berkeley Pit Viewing stand on Tuesday. That project is underway and moving forward.

Tomorrow at 8:30 AM a reception will be held for the Ambassador from Mongolia at the Chamber of Commerce.

Last week the school children did their presentation for cleanup. A motion was made to move forward their suggestions for garbage can racks. He said they are looking at transfer stations around town where people would be able to drop off their garbage and also they would have recycling bins. We will take everything

that they have given us into consideration, but we have been working on this for quite some time.

Tomorrow night the Clark Fork Watershed is having a tour and a barbecue. A bus will leave from Montana Tech at 5:45 PM if anyone is interested in going.

There will be a Seals and Seals concert tomorrow night at the Civic Center.

SECTION I PUBLIC HEARING

FOR THE PURPOSE OF HEARING COMMENTS CONCERNING THE CONTINUATION OF THE .5% LOCAL OPTION VEHICLE TAX. (Communication No. 06-358 being held in Committee of the Whole)

Note: No proof of publication. This hearing will be held July 5, 2006

SECTION II PUBLIC HEARING

FOR THE PURPOSE OF PROVIDING INFORMATION RELATIVE TO THE EXPECTED BUDGETARY OVERRUN IN THE ELECTIONS BUDGET (1000.107.410601) (Communication No. 06-344 being held in Committee of the Whole)
Proof of publication was noted and placed on file.

Mary McMahon, Clerk and Recorder and Election Administrator explained the increased costs of running this election which include increased postage and printing costs, the tabulators and the coding of those tabulators by a company that the state has entered into a contract with and the ADA compliant tables that they had to buy. The estimated overrun is around \$20,000, but she believes that they will be able to find the funds to pay for this out of current balances available in other line items that have not been spent over the last fiscal year.

Chief Executive Babb opened the public hearing at 7:40 PM and called for proponents. On the third and final call he then called for opponents. Again there was no response so he called the public hearing closed at 7:41 PM.

SECTION III PUBLIC HEARING

FOR THE PURPOSE TO SOLICIT COMMENTS REGARDING THE AMENDING OF THE FY 06-06 BUDGET AUTHORITY FOR THE UNANTICIPATED REVENUE FROM THE DEPARTMENT OF CORRECTIONS FOR INMATE HOUSING. (Communication No. 06-392) **Proof of publication was noted and placed on file.**

Sheriff John Walsh, gave the staff presentation and Chief Executive Babb opened the public hearing at 7:43PM. There being no proponents nor opponents to this public hearing, he closed the public hearing at 7:44 PM.

SECTION IV INVITATION FOR BIDS

SEALED BIDS FOR WATER AND SEWER MAINS RENEWAL. Proof of publication was noted and placed on file.

Jean Pentecost, Operation Manager, Water Utility Division, opened the one bid that was received from Western Municipal Corporation, Billings, Mt. in the amount of \$3,253,952.00. The engineering estimate is \$2,321,359.20

It was moved by Commissioner O’Leary, seconded by Commissioner Sheehy and carried by a unanimous verbal vote to refer the bid back to the Water Utility Division and Public Works Department for review and decision whether to accept or re-bid and report back.

SECTION V CONSENT AGENDA

- A.**
 - 1. COMMITTEE OF THE WHOLE MEETING REPORT
 - 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
 - 3. JUDICIARY COMMITTEE MEETING REPORT
 - 4. PUBLIC WORKS COMMITTEE MEETING REPORT

B. COMMUNICATIONS

Before entertaining a motion for approval of the Consent Agenda, Chief Executive Babb called for any segregations. Commissioner O’Leary called for a “friendly amendment” of Item #21. The communication number should be 06-413 instead of 06-412 and on the Committee of the Whole Meeting Report, Section X, Communication No. 06-238, the recommendation should read that “the Chief Executive and Council Chairman should be authorization to draft a letter in support” instead of “the County Attorney should be authorized to draft a letter of support”. He also called for segregation of Item No. 19, Communication No. 06-411. Commissioner Lee called for a “friendly amendment to the Public Works Committee Meeting Report. Page 24, Section XIX, Communication No. 06-254 the recommendation should also read and placed on file. Also Section XXX, Communication No. 06-238 should be deleted from this committee report. It does not belong in the Public Works report. It is in the Committee of the Whole. Also Communication No. 06-239 should be numbered Section XXI instead of XXXI.

It was moved by Commissioner O’Leary, seconded by Commissioner Sheehy and carried by a unanimous verbal vote to approve the Consent Agenda,

Section A, Items 1 through 4 as corrected and Section B, Items 1 through 21 as corrected, exclusive of Item No. 19.

Commissioner Dunlap said she noticed on the Judiciary Committee Report that there was no recommendation. The recommendation should be “Committee recommends that Council Resolution No. 06-54 be placed on final reading and passed”.

Segregation of Communication No. 06-411 by Commissioner O’Leary

Dori Skrukud, Assistant Director of Community Development and also the Project Manager for the Greenway Service District. She said the Greenway Service District is primarily funded through Natural Resource Damage Program Grants. We have received actually five today. This request is to address outstanding receivables through the NRD Program money and to address the issue of coming toward the end of a budget year and having a negative balance on those budgets. Jeff Amerman explained these have been outstanding receivables for some time and our auditors would require us to make this intergovernmental loan to reflect the true nature of what’s happened.

It was moved by Commissioner O’Leary, seconded by Commissioner Sheehy and carried by a unanimous verbal vote to concur with the request in Communication No. 06-411 and place on file.

SECTION VI COMMUNICATIONS TO BE READ AND ACTED UPON

1. 06-409 Paul Babb, Chief Executive, requesting concurrence to dedicate newest trail connecting Chamber of Commerce to Civic Center in honor of Poore and Wild Families

Chief Executive Babb said the dedication for the trail has taken place. This has also gone before the Parks and Recreation Board. Joe Lee said he couldn’t make the dedication but the Parks and Recreation Board did approve this. This trail actually goes from Texas Avenue on the East to the Chamber of Commerce on the West.

It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried with a unanimous verbal vote to concur with the request in Communication No. 06-409 and place on file.

SECTION VII

ORDINANCES AND RESOLUTIONS – SECOND READING

1. COUNCIL BILL NO. 06-6 ORDINANCE NO. 06-6

AN ORDINANCE CREATING AN APPOINTED BOARD TO BE ENTITLED “LAW ENFORCEMENT ADVISORY BOARD: AND TO BE NUMBERED CHAPTER 2026 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC)’ SETTING FORTH THE COMPOSITION, DUTIES AND REPORT REQUIREMENTS OF THE BOARD; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner O’Leary, seconded by Commissioner Sheehy and carried by a roll call vote of 8 yeas, 0 nays and 4 absent to place Council Bill No. 06-6, Ordinance No. 06-6 on second reading and passed having been deemed fully read at length

SECTION VIII

RESOLUTIONS AND RESOLUTIONS – FINAL READING

1. COUNCIL RESOLUTION NO. 06-39

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW LAW ENFORCEMENT DEPARTMENT FROM THE MONTANA DEPARTMENT OF CORRECTIONS TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Sheehy and carried by a roll call vote of 8 yeas, 0 nays and 4 absent to place Council Resolution No. 06-39 on final reading and passed having been deemed fully read at length.**

2. COUNCIL RESOLUTION NO. 06-40

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW LAW ENFORCEMENT DEPARTMENT FROM THE BUTTE-SILVER BOW DETENTION CENTER CANTEEN TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was**

moved by Commissioner O’Leary, seconded by Commissioner Sheehy and carried by a roll call vote of 8 yeas, 0 nays and 4 absent to place Council Resolution No. 06-40 on final reading and passed having been deemed fully read at length.

3. COUNCIL RESOLUTION NO. 06-47

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE AMENDED PLAT OF BLOCK 18 OF THE NORTHERN PACIFIC ADDITION TO THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN It was moved by Commissioner O’Leary, seconded by Commissioner Sheehy and carried by a roll call vote of 8 yeas, 0 nays and 4 absent to place Council Resolution No. 06-47 on final reading and passed having been deemed fully read at length.

4. COUNCIL RESOLUTION NO. 06-48

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE GODTLAND MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. It was moved by Commissioner O’Leary, seconded by Commissioner Sheehy and carried by a roll call vote of 8 yeas, 0 nays and 4 absent to place Council Resolution No. 06-48 on final reading and passed having been deemed fully read at length.

5. COUNCIL RESOLUTION NO. 06-49

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE PINE RIDGE MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW; STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN It was moved by Commissioner O’Leary, seconded by Commissioner Sheehy and carried by a roll call vote of 8 yeas, 0 nays and 4 absent to place Council Resolution No. 06-49 on final reading and passed having been deemed fully read at length.

6. COUNCIL RESOLUTION NO. 06-50

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE BUTTE SKI CLUB NO. 5 MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW; STATE OF MONTANA;

PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Sheehy and carried by a roll call vote of 8 yeas, 0 nays and 4 absent to place Council Resolution No. 06-50 on final reading and passed having been deemed fully read at length.**

7. COUNCIL RESOLUTION NO. 06-52

A RESOLUTION CREATING SPECIAL IMPROVEMENT DISTRICT NO. 1024 FOR THE PURPOSE OF MAINTAINING AND INSTALLING AN ELECTRICAL LIGHTING SYSTEM; DESIGNATING AND DESCRIBING THE BOUNDARIES OF SAID PROPOSED SPECIAL IMPROVEMENT LIGHTING DISTRICT; STATING THE PURPOSE OF AND THE GENERAL CHARACTER OF THE IMPROVEMENTS TO BE MADE IN SAID SPECIAL IMPROVEMENT DISTRICT; ESTIMATING THE APPROXIMATE COST OF MAINTAINING AND SUPPLYING ENERGY THEREOF FOR THE FIRST YEAR; FINDING, DETERMINING, AND DECLARING THAT SUCH PROPERTY SHOULD BE ASSESSED FOR COST THEREOF OF MAINTENANCE AND ENERGY AND EXTENDING SUCH ASSESSMENT TO BE IN SEMI-ANNUAL INSTALLMENTS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Sheehy and carried by a roll call vote of 8 yeas, 0 nays and 4 absent to place Council Resolution No. 06-52 on final reading and passed having been deemed fully read at length.**

8. COUNCIL RESOLUTION NO. 06-53

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE PETRITZ MINOR SUBDIVISION – SUMMARY REVIEW OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Sheehy and carried by a roll call vote of 8 yeas, 0 nays and 4 absent to place Council Resolution No. 06-53 on final reading and passed having been deemed fully read at length.**

9. COUNCIL RESOLUTION NO. 06-54

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE VALENTINE MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Sheehy and**

carried by a roll call vote of 8 yeas, 0 nays and 4 absent to place Council Resolution No. 06-54 on final reading and passed having been deemed fully read at length.

SECTION IX

ORDINANCES AND RESOLUTIONS – SUSPENSION OF THE RULES

It was moved by Commissioner O’Leary, seconded by Commissioner Sheehy and carried by a roll call vote of 8 yeas, 0 nays and 4 absent to suspend the rules for the purpose of passing Council Resolution No. 06-55 by waiving subsection 7 or Rule XXXVI of the Rules and Order of Business of the Council of Commissioners, thereby having it considered for advanced passage without reference to the Judiciary Committee.

1. COUNCIL RESOLUTION NO. 06-55

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW LAW ENFORCEMENT DEPARTMENT FROM THE MONTANA DEPARTMENT OF CORRECTIONS TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. It was moved by Commissioner O’Leary, seconded by Commissioner Sheehy and carried by a roll call vote of 8 yeas, 0 nays and 4 absent to place Council Resolution No. 06-55 on final reading and passed having been deemed fully read at length.

ADJOURN

There being no further business to come before the Council, it was moved by Commissioner O’Leary, seconded by Commissioner Sheehy and passed by a unanimous verbal vote to Rise to the Call of the Chair

CHIEF EXECUTIVE

ATTEST:

CLERK AND RECORDER